

JUN 12 2013

JULIA C. DODLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

TROY VINCENT OAKES,)	CASE NO. 7:13CV00261
)	
Petitioner,)	
v.)	FINAL ORDER
)	
COMMONWEALTH OF VIRGINIA,)	
)	By: James C. Turk
)	Senior United States District Judge
Respondent.)	

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** without prejudice as successive; petitioner's motion for evidentiary hearing is **DISMISSED** as moot; and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 12th day of June, 2013.

[Signature: James C. Turk]

Senior United States District Judge